

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

THURSDAY, THE 19TH DAY OF NOVEMBER 2015/28TH KARTHIKA, 1937

Crl.MC.No. 7295 of 2015 ()

AGAINST THE FINAL REPORT IN CC 924/2013 of JUDICIAL FIRST CLASS MAGISTRATE COURT, TIRUR DATED 24.04.2013

PETITIONER(S):

1. **ABDUL NASAR, AGED 29 YEARS
S/O MUHAMMED, RESIDING AT PALLIPPAT
THOOMPA HOUSE, TALAKADATHUR PO,
MALAPPURAM DISTRICT**
2. **MUHAMMED, AGED 62 YEARS,
S/O MUHAMMED, RESIDING AT PALLIPPAT
THOOMPA HOUSE, TALAKADATHUR PO,
MALAPPURAM DISTRICT**
3. **AYISHUMMU, AGED 54 YEARS, W/O S/O MUHAMMED
RESIDING AT PALLIPPAT
THOOMPA HOUSE, TALAKADATHUR PO,
MALAPPURAM DISTRICT**

**BY ADVS.SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH
SRI.RILGIN V.GEORGE
SRI.LIJO VARGHESE**

RESPONDENT(S):

1. **HAFEEFA, AGED 22 YEARS,
D/O MOIDEENKUTTI, MULIYATHIL HOUSE
TIRUR AMSOM, TIRUR PO, TIRUR TALUK
MALAPPURAM - 676 101**
2. **STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA , ERNAKULAM - 682 031**

**R1 BY ADV. SRI.RAHUL SASI
R2 BY ADV.SHEEBA M.T, PUBLIC PROSECUTOR**

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 19-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.C. NO.7295/2015

APPENDIX

PETITIONERS' EXHIBITS:

**ANNEXURE A1: COPY OF HTE FINAL REPORT IN CC 924/2013 ON THE FILES OF
THE JUDICIAL MAGISTRATE OF FIRST CLASS, TIRUR**

ANNEXURE A2: COPY OF THE AFFIDAVIT SWORN BY THE 1ST RESPONDENT

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

P.UBAID, J.

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Crl.M.C.No.7295 of 2015
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Dated this the 19th day of November, 2015

ORDER

The petitioners herein are the three accused in C.C.No.924 of 2013 of the Judicial First Class Magistrate Court, Tirur. They seek orders quashing the prosecution on the ground of amicable settlement of the whole dispute between them and the de facto complainant. Crime in this case was registered under Section 498A read with Section 34 of the Indian Penal Code on the complaint of one Hafeefa, who is the 1st respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences,

the High Court can quash the prosecution in pending proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that the marriage stands dissolved. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioners herein in C.C.No.924 of 2013 of the Judicial First Class Magistrate Court, Tirur will stand quashed under Section 482 of the Code of Criminal Procedure. Accordingly, the petitioners will stand released from

prosecution, and the bail bond, if any, executed by them will stand discharged.

Sd/-
P.UBAID
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE